

**THE HONORABLE BRIAN D. LYNCH
CHAPTER 13**

HEARING DATE: December 19, 2018

HEARING TIME: 1:30 P.M.

LOCATION: Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

JOHNATHON PAGE FLATTUM,

Debtor.

Case No.: 18-43493-BDL

**OBJECTION TO CONFIRMATION WITH
STRICT COMPLIANCE**

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtor filed this Chapter 13 case on October 17, 2018. The applicable commitment
period is thirty six months. The case is currently in the second month and the Meeting of
Creditors has not yet been completed. The bar date for filing non-governmental claims is
December 26, 2018. Scheduled unsecured claims total \$11,816.43, and scheduled priority
claims total \$4,000.00. The Trustee estimates that under the proposed plan general unsecured
creditors will receive approximately \$0.00.

OBJECTION TO CONFIRMATION

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION

☒ Plan is not feasible:

Debtor has not starting making plan payments. *See* Declaration of Heather Young. Before confirmation, the debtor must demonstrate that “the debtor will be able to make all payments under the plan.” 11 U.S.C. § 1325(a)(6). Debtor’s lack of plan payments demonstrates that the debtor lacks the ability to make the required payments under the plan.

☐ Plan is not proposed in good faith or is forbidden by law:

☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

☒ Schedules or other documentation insufficient:

Debtor has provided insufficient information regarding his employment and income to date. Additional information and/or documentation will be required prior to confirmation.

☒ Other:

(1) Debtor has not filed all required tax returns. Prior to confirmation a debtor must have “filed all applicable Federal, State, and local tax returns as required by section 1308.” 11 U.S.C. § 1325(a)(9). Under section 1308(a), a debtor must file all applicable tax returns for the 4-year period ending on the date of the filing of the petition. Pursuant to the information provided to the Trustee by the Internal Revenue Service, debtor has not filed the 2014 through 2017 tax returns. Confirmation should be denied until such time as the returns are filed.

(2) Debtor has scheduled his debt to Grays Harbor County as priority on Schedule E. Per Grays Harbor’s proof of claim, the debt is properly classified as general unsecured debt.

(3) Trustee has been unable to complete Debtor’s meeting of creditors. The continued meeting of creditors is scheduled for December 13, 2018. Trustee reserves the right to raise additional objections once the Debtor has given testimony.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 11th day of December, 2018.

[Handwritten signature]

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee